

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**KEVIN JAMES KOHUTE**

v.

**MARIA AVELAR**

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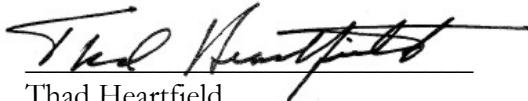
**CIVIL ACTION NO. 6:18cv270**

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the complaint has been presented for consideration. The Report and Recommendation (Doc. No. 16), filed on August 9, 2018, recommends that the complaint be dismissed with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B). The Court received an acknowledgment of receipt showing that Plaintiff received the Report and Recommendation on August 13, 2018. No written objections have been filed. The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court. It is therefore

**ORDERED** that the complaint is **DISMISSED** with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B). Any motion not previously ruled on is **DENIED**.

**SIGNED** this the 30 day of August, 2018.

  
Thad Heartfield  
United States District Judge